

1                               BEFORE THE BOARD OF MEDICAL EXAMINERS  
2                                               IN THE STATE OF ARIZONA

3 In the Matter of:

Investigation No. 12299

4  
5 **CHARLES A. HAERTER, M.D.**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND  
ORDER (Letter of Reprimand)**

6 Holder of License No. 7365  
7 For the Practice of Medicine  
8 In the State of Arizona.

9                                               **INTRODUCTION**

10           This matter was initially heard and considered by the Board of Medical Examiners  
11 ("Board") at it public meeting on April 27, 2000 at which Charles A. Haerter, M.D.,  
12 appeared with his legal counsel, Jay Fradkin, for the purpose of the Board conducting  
13 a formal interview pursuant to the authority vested in by A.R.S. § 32-1451(G). At the  
14 Board's public meeting on June 21-23, 2000, the Board resumed consideration of the  
15 matter for the purpose of reviewing and approving the following Findings of Fact,  
16 Conclusions of Law and Order. After due consideration of the facts and law applicable  
17 to this matter, the Board voted to approve and issue the following Findings of Fact,  
18 Conclusions of Law and Order.  
19  
20

21                                               **FINDINGS OF FACT**

- 22           1.     The Board is the duly constituted authority for the regulation and control  
23 of the practice of allopathic medicine in the State of Arizona.  
24  
25           2.     Charles A. Haerter, M.D., is the holder of license number 7365 for the  
26 practice of medicine in the State of Arizona.

1           3.       Investigation number 12299 was initiated after the Board received notice  
2 of a malpractice settlement on July 14, 1998. Patient G.J. alleged in a superior court  
3 action that Dr. Haerter failed to diagnose kidney cancer with subsequent metastasis.  
4 Subsequent to the Superior Court complaint, Dr. Haerter settled with patient G.J.  
5

6           4.       G.J.'s pertinent medical history, including his treatment by Dr. Haerter, is  
7 as follows. In 1982, when he was fifty years of age G.J. underwent abdominal perineal  
8 resection for carcinoma of the rectum in California. When G.J. returned to his home in  
9 Lake Havasu City following the surgery, Dr. Haerter assumed care and assisted in his  
10 recovery.  
11

12           5.       In 1987, Dr. Haerter ordered an IVP and a barium enema as part of follow-  
13 up cancer surveillance for patient G.J. The IVP showed a 5.5 cm mass in the upper  
14 pole of the right kidney.  
15

16           6.       Dr. Haerter failed to note the findings on the IVP and failed to act on the  
17 findings with further testing. Patient was never informed of the findings of the 1987 IVP  
18 until 1997.  
19

20           7.       In 1997, G.J. was diagnosed with renal cell carcinoma. G.J. had  
21 increasing abdominal discomfort and negative changes in his general health for the  
22 three years prior to the 1997 diagnosis of renal cell carcinoma but Dr. Haerter did not  
23 pursue a further diagnosis.  
24

25       ...



1 the aforementioned physician five (5) days after the date of mailing this Order by Board staff  
2 to his/her address of record. If the motion for rehearing is not timely filed, the Board's Order  
3 becomes effective thirty-five (35) days after it has been mailed to the physician named herein.

4 Notice is also hereby given that a filing of a motion for rehearing is required to preserve  
5 any rights of appeal of this Order to the Superior Court. And the failure to file a timely motion  
6 for rehearing or review shall have the affect of waiving the physicians right to seek judicial  
7 review of the Board's decision in this matter. See A.R.S. § 41-1092.09(B).

8 ISSUED this 27 day of June, 2000.

9  
10 BOARD OF MEDICAL EXAMINERS  
11 OF THE STATE OF ARIZONA

12 (SEAL)

13 By: Tom Adams  
14 CLAUDIA FOUTZ  
15 Executive Director,  
16 TOM ADAMS  
17 Assistant Director for Regulations

18 Original of the foregoing filed this  
19 28 day of June, 2000 with:

20 Board Operations Section  
21 Arizona Board of Medical Examiners  
22 9545 E. Doubletree Ranch Road  
23 Scottsdale, Arizona 85258

24 Executed copy of the foregoing  
25 mailed by U.S. certified mail this  
26 28 day of June, 2000, to:

Charles A. Haerter, M.D.  
1951 Mesquite Avenue, Suite G  
Lake Havasu City, Arizona 86403

...

1 COPY of the foregoing mailed this  
2 28 day of June, 2000, to:

3 Gordon S. Bueler  
4 Assistant Attorney General  
5 Licensing and Enforcement  
6 1275 W. Washington  
7 Phoenix, Arizona 85007-2926

8 Armando Diaz  
9 Board Operations  
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